



# Opticians Act 1989

## 1989 CHAPTER 44

### PART II

#### REGISTRATION AND TRAINING OF OPTICIANS

##### *The registers and lists*

#### **8 Qualifications for being registered.**

[<sup>F1</sup>(1) A person shall be entitled to have his name in the appropriate register if he satisfies the Council that he—

- (a) holds a qualification—
  - (i) as an optometrist or a dispensing optician;
  - (ii) which, at the time it was granted, was approved by the Council under section 12(7)(b) below; and
  - (iii) which was granted to him after receiving instruction from one or more of the establishments approved by the Council under section 12(7)(a) below;
- (b) has had adequate practical experience in the work of an optometrist or a dispensing optician; and
- (c) is a fit person to practise as an optometrist or a dispensing optician.

(1A) A person shall be entitled to have his name in the appropriate register if he satisfies the Council that he—

- (a) either—
  - (i) is a national of an EEA State; or
  - (ii) is not a national of an EEA State but is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68, or any other enforceable Community right, entitled to be treated, for the purpose of access to the profession of optometrist or dispensing optician, no less favourably than a national of such a state;

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*Status: Point in time view as at 22/03/2005. This version of this provision has been superseded.*

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- (b) has a right to practise in the United Kingdom as an optometrist by virtue of the European Communities (Recognition of Professional Qualifications) (First General System) Regulations 2005 or as a dispensing optician by virtue of the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002; and
  - (c) is a fit person to practise as an optometrist or a dispensing optician.
- (2) Subject to subsection (2A), a person shall be entitled to have his name in the appropriate register if he satisfies the Council that he—
- (a) holds a qualification as an optometrist or as a dispensing optician granted outside the United Kingdom;
  - (b) has had adequate practical experience in the work of an optometrist or a dispensing optician; and
  - (c) is a fit person to practise as an optometrist or a dispensing optician.
- (2A) The Council may determine, in relation to any particular person or class of person to which subsection (2) above applies, that before being entitled to have his name in the appropriate register, a person must—
- (a) obtain such qualification, approved in accordance with section 12(7)(b) below; or
  - (b) pass such test, approved in accordance with section 12(7)(c) below,
- as they consider appropriate.]
- (3) Any person who on 1st January 1959 was entitled to have his name included in one of the health service ophthalmic lists, and whose name had not at that time been removed from one of those lists by direction of a health service tribunal, shall be entitled to be registered in the appropriate register.
- (4) Any person who on an application made not later than 1st June 1961 satisfied the Council—
- (a) that on the date of his application he held a qualification as an [<sup>F2</sup>optometrist] or dispensing optician recognised by them for the purposes of this subsection; and
  - (b) that he had had adequate practical experience in the work of an [<sup>F3</sup>optometrist] or dispensing optician; and
  - (c) that he was of good character,
- shall be entitled to be registered in the appropriate register.
- (5) Any person who on an application made after 1st June 1961 but before this Act came into force satisfied the Council—
- (a) that on 1st June 1961 he held a qualification such as is mentioned in paragraph (a) of subsection (4) above; and
  - (b) that he had had adequate practical experience in the work of an [<sup>F4</sup>optometrist] or dispensing optician; and
  - (c) that he was of good character,
- shall be entitled to be registered in the appropriate register.
- (6) Any person who on an application made after this Act comes into force satisfies the Council—
- (a) that on 1st June 1961 he held a qualification such as is mentioned in paragraph (a) of subsection (4) above; and

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- (b) that he has had adequate practical experience in the work of an [<sup>F5</sup>optometrist] or dispensing optician; and
- [<sup>F6</sup>(c) that he is a fit person to practise as an optometrist or a dispensing optician,]  
shall be entitled to be registered in the appropriate register.
- (7) In the case of a person whose qualifications (including experience) are appropriate for [<sup>F7</sup>optometrists, the register of optometrists and the register of dispensing opticians are both appropriate registers] for the purposes of this section and, in the case of a person whose qualifications (including experience) are only appropriate for a dispensing optician, the register of dispensing opticians is appropriate for those purposes.
- [<sup>F8</sup>(8) A person may have his name in both the register of dispensing opticians and the register of those undertaking training as optometrists.
- (8A) Except as provided in subsection (8) above, a person may not have his name in more than one register.]
- (9) Where the Council have refused to grant an application for registration under subsection (4), (5) or (6) above, the Privy Council, on representations being made to them, may if they think fit, after considering the representations and after communicating with the Council, order the Council to grant the application.
- [<sup>F9</sup>(10) In this section—
- “EEA State” means a Contracting Party to the EEA Agreement or Switzerland; and
- “EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted or amended from time to time.]

#### Textual Amendments

- F1** S. 8(1)-(2A) substituted for s. 8(1) (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), [art. 8\(2\)](#) (with [Sch. 2](#))
- F2** Word in s. 8(4)(a) substituted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), [art. 8\(3\)](#) (with [Sch. 2](#))
- F3** Word in s. 8(4)(b) substituted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), [art. 8\(4\)](#) (with [Sch. 2](#))
- F4** Word in s. 8(5)(b) substituted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), [art. 8\(4\)](#) (with [Sch. 2](#))
- F5** Word in s. 8(6)(b) substituted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), [art. 8\(4\)](#) (with [Sch. 2](#))
- F6** S. 8(6)(c) substituted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), [art. 8\(5\)](#) (with [Sch. 2](#))
- F7** Words in s. 8(7) substituted (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), [art. 8\(6\)](#) (with [Sch. 2](#))
- F8** S. 8(8)(8A) substituted for s. 8(8) (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), [art. 8\(7\)](#) (with [Sch. 2](#))
- F9** S. 8(10) added (coming into force in accordance with art. 1(3)-(6) of the amending S.I.) by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), [art. 8\(8\)](#) (with [Sch. 2](#))

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